

EDMUND G. BROWN JR., Attorney General  
of the State of California  
JOSE R. GUERRERO, State Bar No. 97276  
Supervising Deputy Attorney General  
DAVID CARR, State Bar No. 131672  
Deputy Attorney General  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-5538  
Facsimile: (415) 703-5480

Attorneys for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D- 2007-65315

KENNETH DAVIDSON  
46 Madrone Street  
Willits, CA 95490

**A C C U S A T I O N**

Physical Therapist License No. PT 7433

Respondent.

Complainant alleges:

**PARTIES**

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California (Board).
2. On or about January 27, 1976, the Board issued Physical Therapist License PT 7433 to Kenneth Davidson (Respondent). Respondent's license was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2009 unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Board under the authority of the following sections of the Business and Professions Code:
4. Section 2609 empowers the Board to issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

1                   5.       Section 2660 provides that the Board may suspend or revoke the license to  
2 practice specified causes, including:

3                               "(d) Conviction of a crime which substantially relates to the  
4 qualifications, functions, or duties of a physical therapist or physical therapy assistant. The  
5 record of conviction or a certified copy thereof shall be conclusive evidence of that conviction."

6                   6.       Section 490 states, in relevant part:

7                               "A board may suspend or revoke a license on the ground that the licensee has been  
8 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties  
9 of the business or profession for which the license was issued. A conviction within the meaning  
10 of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
11 contendere."

12                   7.       Section 2661.5 of the Code provides that in any order issued in resolution  
13 of a disciplinary proceeding before the board, the board may request the administrative law  
14 judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not  
15 to exceed the actual and reasonable costs of the investigation and prosecution of the case.

#### 16                               **CAUSE FOR DISCIPLINE**

17                               (Conviction of a Crime Substantially Related)

18                   8.       Respondent is subject to disciplinary action under section 2660(d) in that he  
19 was convicted of a crime substantially related to the qualifications and duties of a physical therapist.  
20 The circumstances attending this conviction are set out below.

21                   9.       On or about July 31, 2007 Respondent was arrested by detectives of the  
22 Mendocino County Sheriff's Office for violation of Penal Code section 288(a) [Lewd Acts with a  
23 Child]. The attendant publicity elicited complaints from additional victims. After investigation  
24 of those complaints and review of evidence seized by warrant from Respondent's home, automobile,  
25 and office, the Mendocino County District Attorney filed Criminal Complaint No. SC  
26 CR-07-0079005-004 against Respondent, charging him with three counts of violating Penal Code  
27 section 288(a), two counts of violating Penal Code section 288(c)(1) [Oral Copulation with a  
28 Child], one count of violating Penal Code section 288.5(a) [Continuous Sexual Abuse of a Child],

and four counts of violating Penal Code section 311.11(A) [Possession of Child Pornography].

10. Respondent was arraigned on this Complaint in the Mendocino County Superior Court on August 8, 2007. He entered a plea of not guilty to all charges. The Physical Therapy Board appeared by counsel at the arraignment to request that Respondent be restricted from practice as a physical therapist as a condition of bail. The Court granted the Board's request by written order and denied Respondent's motion to reduce bail; he remained in custody.

11. On or about August 28, 2007 Respondent entered a guilty plea to one count of violation of Penal Code 288.5(a) [Continuous Sexual Abuse of a Child], a felony. On November 30, 2007 Respondent was sentenced to prison for the upper term of 16 years.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Physical Therapist License Number PT 7433,  
issued to Kenneth Howard Davidson;

2. Ordering Kenneth Howard Davidson to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professional Code section 2661.5; and

3. Taking such other and further action as deemed necessary and proper.

DATED: January 29, 2008

Original Signed By:  
STEVEN K. HARTZELL  
Executive Officer  
Physical Therapy Board  
State of California  
Complainant